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WHITHER AFRICA'S CIVIL SOCIETY?

Paul Opoku-Mensah

I. INTRODUCTION

From relative obscurity, civil society emerged as one of the most salient theoretical and policy concepts in African development expected to reconstitute the state and to contribute to development and democratisation objectives. This growing importance is premised on normative expectations that civil society has the potential to provide the missing key, at both theoretical and policy levels, to sustained political reform, legitimate states and governments, improved governance, viable state-society and state-economy relationships, and prevention of the kind of political decay that had undermined African development.[1]

Yet nearly two decades after it emerged as a central object of theoretical and policy analyses in Africa, the contours of civil society and its contributions to African development and governance, are very little known, in part because of a lack of sustained systematic comparative analyses. This has prevented the sustained debate that is essential for a realistic understanding of civil society's place in Africa.

This paper seeks to contribute to this need for an understanding of the nature of civil society and its potential to the project of a renascent Africa. It draws on findings from the CIVICUS Civil Society Index (CSI) assessment exercise in four African countries—Ghana, Sierra Leone, Togo and Uganda to provide insights into the state of civil society in Africa[2]. The analyses draw extensively from the CSI Country Reports, the CSI Global Report (Vol.1) and the CSI international database. In addition it uses insights from the analytical literature on civil society in Africa. Three questions, drawn from the CSI findings, frame the analyses in the paper:

- First, what are the main similarities found by the CSI in the countries regarding civil society's structure, environment, values and impact, as well as strengths, weaknesses and challenges?
- Second, what are the main differences?
- Third, what can explain these similarities and what can explain these differences?
- Finally, on the basis of the above, what is the future of civil society in Africa?

It needs to be emphasised from the outset that Africa is diverse in political, socio-economic, and cultural terms, thus presenting methodological problems related to the extent to which findings from four countries-- Ghana, Sierra Leone, Togo and Uganda—can be generalized. Yet this caution, while relevant, ought to be tempered by the similarity that largely cuts across the sub-continent, as Lipton argued nearly two decades ago:

> The persistence of generalizations about Africa - by Africans as well as foreigners; among the wise as well as the foolish; ...strongly suggests that there is some set of 'African' experiences, problems or opportunities that it is worth generalizing about[3]

Certainly the fragile socio economic and political context in which civil society operates, and which characterise these four countries, is one of such similarities. Beyond the similarities, the four countries also exhibit important variations, as they represent "different Africas" including Anglophone (Ghana, Sierra Leone, Uganda) and Francophone (Togo); as well as different political trajectories, namely relatively peaceful democracies making progress on several fronts (Ghana and Uganda); fragile and somewhat autocratic states with limited progress in re-establishing a constitutional democracy (Togo); and states in which stabilization and reconstruction are paramount (Sierra Leone). In effect, despite the legitimate methodological concerns, these four countries do provide the basis for a much needed discussion on the state of civil society in Africa.

The paper is structured as follows. Following this introduction, section two provides a brief historiography of civil society in Africa. This is followed by analyses of the state of civil society in Africa based on the CSI results. This is structured around the three issues of the similarities, differences, and what accounts for these differences. The next section examines the implications of the CSI Findings for civil society in Africa. This is followed by the concluding section which brings the findings together.

II. CIVIL SOCIETY IN AFRICA: A REALITY *SUI GENERIS*

A decade ago, a vibrant debate that sought to question the relevance and appropriateness of civil society to the African context raged on. While details and emphasis varied among different authors, in general the debate focused on a number of issues including the 'foreignness' of the concept and its imposition by external actors—donors—on the African dynamics; the appropriateness of what was perceived as a largely urban concept to a predominantly rural Africa; and theoretical scepticism regarding the soundness of *any* differentiation at the national level between state and civil society in Africa.[4] A decade later, the CSI findings indicate a normalisation as this debate has now given way to a general

acceptance of civil society as an integral part of the conceptual, policy and institutional landscape of African countries. Indeed the lack of contestation in the four countries on the appropriateness or relevance of the CSI's definition of civil society as *the arena, outside of the family, the state and the market where people associate to advance common interests (CIVICUS, 2006),* is itself a much needed acknowledgment of the normalisation of the debates about the conceptual relevance of civil society to Africa. What emerges is not only an acceptance of the concept, but a similarity in the historical trajectory and evolution of civil society in Africa, as well as a consensus that the organisational implications of the CSI's definition-- that is, the forces addressed such as trade unions, women associations, youth and intellectuals-- have existed in Africa. To the extent that differences emerged in the four countries, these were related to issues of composition---not conceptual relevance---of civil society in Africa. These discussions, more so, were related to the incorporation or otherwise of political parties (Sierra Leone) and traditional authorities (Togo and Ghana) into the ambit of civil society, as well as the purpose of civil society (Uganda).[5]

Apart from these questions related to composition and purpose, the historiography of civil society in the four countries, remains largely the same and characterised by four phases. In Phase 1, the precolonial era, civil society consisted of community institutions made up of largely self help and solidarity groups whose primary objective was to cultivate solidarity among members, promote the development of groups of individuals settled in the same area or originating from the same region. Phase 2, the colonial period characterised by rapid urbanisation due to mass migration to the cities, led to the development to largely ethnic groupings that serviced and responded to the needs of the different ethnic communities in the urban areas. The evolution of the formal CSO sector in Africa also has its roots in this era, as this period saw the emergence of more formal, cross cutting and to some extent class based organisations whose political mobilisation was critical to the success of the nationalist struggles for independence in Africa. The post independence years, phase 3, consisted of the period of independence to the 1980s and was characterised by a constriction of the political space for autonomous civil society action first by nationalist leaders like Nkrumah of Ghana, Obote of Uganda, Siaka Stevens of Sierra Leone who co-opted civil society into one party states for the purposes of creating a united front for national development. This was followed by military dictatorships, e.g., Amin of Uganda and Eyadema of Togo that further constrained the sphere of civil society, this time to destroy alternative centers of power to their (mis) rule.

The period from the 1980s to present marked a turning point in the development of the CSOs in Africa. This period, in particular the 1980s which came to be described as the NGO Decade in African development saw the "NGOization" of civil society in Africa with donor support resulting in a historically unparalleled

growth of NGOs in response to the African development crisis, as well as the availability of donor resources[6]. In addition the political liberalisation of the 1990s also opened a new chapter in the evolution of civil society in Africa, as it further opened and legitimised the civil society sphere. Specifically, the democratisation process of the late 1980s and 1990s *per se* legitimised and liberated civil society as an autonomous arena independent of state control, allowing the re(emergence) and strengthening of other forms of CSOs (trade unions, student movements, women's groups etc.). In addition, as part of this process civil society in Africa was particularly targeted for strengthening as the building of civil was regarded as essential to the consolidation of the fragile democratic process[7] . Taken together, these developments have ensured that in all the countries; Ghana, Sierra Leone, Togo and Uganda---and indeed in the whole of Africa---civil society is no longer a contested conceptual category, but a reality *sui generis*, engaged in a web of relations that are cross cutting with a diverse set of actors, and contributing to the discourse and practice of African development. Not only is civil society a visible reality, but compared to the other institutional actors---the state and the private sector---civil society retains overwhelming positive support among the population of Africa.

This clearing of the conceptual space thus provides the impetus to address the more substantive issues associated with the state of civil society. That is, while it might no longer be a contested concept in Africa, the contours of civil society, its organisational characteristics, contributions and challenges nevertheless remain largely unknown, in part because of a lack of sustained and systematic analyses. .

III. CIVIL SOCIETY IN AFRICA: THE CSI RESULTS

The CIVICUS civil society index (CSI) thus provides a much needed impetus and tool to gauge the state of civil society. The CSI seeks to achieve this in the context of assessment of four dimensions seen as necessary for a comprehensive understanding of the state of civil society: structure, environment, values and impact. In the following the results of the CSI to assessing the state of civil society in Africa is presented, and their implications discussed.

III(a). The Structure of Civil Society in Africa

The structure dimension is an assessment of civil society's make-up, size and composition. Concretely it assesses the specific actors within civil society, the characteristics and relationships both to other civil society actors and other institutional actors including the state, the private sector and society in general (CIVICUS, 2006). In effect the structure consists of the human and financial resource environment for civil society, and combines issues of civic

participation, donor dependency and competition within CS. It is composed of 6 sub-dimensions: *breadth of citizen's participation; depth of participation; diversity; organizational capacity; interrelations; and resources* (and 19 individual indicators).

	GHANA	S. LEONE	TOGO	UGANDA	TOTAL
STRUCTURE	**1.5**	**1.3**	**1**	**1.8**	**1.4**
- Breadth of citizen participation	2	1.8	1.2	2.6	1,9
- Depth of citizen participation	2	1.3	2	1.7	1,8
- Diversity of CS participants	1	1	1.3	2	1,3
- Level of organisation	1	1	1	1.6	1,2
- Inter-relations	1.5	1.5	0.5	1.5	1,3
– Resources	1.3	1	0	1.5	0,95

With a cumulative average of 1.4, the CSI indicates that the structure of civil society in Africa remains relatively weak, although Uganda (1.8) and to a lesser extent Ghana (1.5) show moderate strength (see figure XXX). The strength of civil society at this level lies in the extent of civil society participation, itself a reflection of traditional practices in what remains largely agrarian and rural based countries, and where participation in socially inclusive self help organisations is rampant.

Although membership and volunteering in civil society remain strong, this does not translate into substantive financial support, as what citizens give to CSOs remain insignificant in the four countries. In part this can be explained by the pervasive poverty that characterise the four countries, as well as the continuous support of donors for civil society in Africa. Indeed the CSI findings indicate a CSO structure characterised by inadequate resources, financial and human on the one hand, and on the other hand, the extent to which donor support determines the resources available to CSOs in all the four countries. Thus Uganda, which has been a donor favourite since the late 1980s, scores 2.0 with over 25% of all official aid said to be going to NGOs, who sometimes have a high dependency rate of over 80%. In Togo on the other hand, where donors--in particular the EU, the largest single donor to Togo-- suspended their aid in the 1990s due to the political crisis, CSOs hardly have any support at all.

The level of organisation is also a weak part of the structure of civil society in Africa. Although there is the emergence of networks in all the four countries, with those in Uganda in particular relatively well resourced, these tend to be located in the capital city, with very little active support from the membership. The weakness of these networks finds its most concrete expression in the inability to establish a self regulatory code for CSOs, particularly in Ghana and Uganda. The case of the Draft National Policy for Strategic Partnership with NGOs in Ghana is indicative of this weakness (see page 40 of Ghana's report).

Developed through one of the most consultative processes in the country under the sponsorship of external donors led by the Charities Aid Foundation, the central focus of this Policy is the formation of the National Commission of NGOs (NCNGO), which aims to promote the development of a code of conduct for NGOs by the NGOs themselves to strengthen self-regulation. Despite the progressive elements of the policy, since 2001 it has been left unimplemented by government unwillingness, as well as the lack of follow up capacity by CSOs in Ghana, to put pressure on the Ghanaian government to implement the policy. Similarly in Uganda, under donor pressure and sponsorship, CSOs have recently developed *A Quality Assurance Certification Mechanism* for NGOs active in Uganda, which is yet to be implemented (Uganda report).

The general structural weakness and lack of active participation in networks also translates into low levels of interrelations between CSOs. Rather than cooperation, communication and the sharing of information, what emerges from the CSI is a culture of competition for the same donor support. In this instance the conclusions of the Sierra Leone study equally holds true for Ghana, Uganda, and Togo:

> Despite the proliferation of CSOs, communication and networking between and among CSOs in Sierra Leone are considerably low. CSOs tend to isolate themselves from each other, and do not have a common platform for sharing information and building networks…for fear of resource competition and access to donor agencies[8].

Overall, the structure that emerges is a civil society arena whose organisations are gradually emerging in the context of an over centralised state that, historically, has sought to restrict the space for civil society. Yet the organisations that inhabit this sphere remain fragile due to weak organisation and poor resources; fragmentation along a rural-urban divide; and internal weaknesses due to an unhealthy competition resulting in a major part from the sole dependence on donors. The implication of this structure for the future of CSOs in Africa is explored in section IV.

III(b). Civil Society in Africa: Environment

While structure is internal to civil society, the environment dimension of the state of civil society relates to the external context including variables such as the political, legal, institutional, social, cultural and economic factors, as well as the attitudes and behaviour of state and private sector actors towards civil society. In the African context, the political context is particularly important to understanding the state of civil society given that *the parameters within which*

civil society and NGOs [in Africa] can operate are defined by the regime in power (Dicklitch 1998:169).

	GHANA	S. LEONE	TOGO	UGANDA	TOTAL
ENVIRONMENT	**1.5**	**0.8**	**0.7**	**1.4**	**1.1**
- Political context	1.5	0.7	0.7	1	0,975
- Basic freedoms and rights	1.7	0.7	1	1.3	1,175
- Socio-economic context	1	0	0	1	0,5
- Socio-cultural context	2.3	1.7	1	1.7	1,675
- Legal environment	1.3	1	1	1.3	1,15
- State-civil society relations	1.7	1	0.7	1.7	1,275
- Private sector-CS relations	1	0.3	0.7	1.7	0,925

With a cumulative average of 1.1, the environment in which civil society y operates in Africa is the weakest of all the dimensions in the CSI findings. Concretely this mean that the environment within which civil society operates is at best disabling, and at worst, hostile for the operation of civil society. This environment is characterised by weak socio-economic development, fragile democracies, and is reflective of the general state of Africa. This general situation is further exacerbated by prevailing incidence of corruption in all these four countries surveyed, as well as the individual economic and political history of the four countries, with all emerging from major crisis and political instability. For instance Sierra Leone is just emerging from a brutal civil war, Uganda sill reeling form an ongoing insurgence in the North of the country a heavy toll on human and economic infrastructure, and Togo having *just* emerged from a long drawn political crisis, which as stated earlier, led to a suspension of international aid, with debilitating effects on the economy.

Politically, all these countries have witnessed a transition to democratic rule, resulting in a constitutionalization of basic freedoms and rights, including political rights and rights of association. These political transitions however remain fragile to varying effects, with Togo and Sierra Leone the most fragile. Ghana remains the most stable having established competitive multiparty environment since 1992.

This CSI assessment indicates that with the active support and pressure from donors, there are signs of a general reconstitution of state-civil society relations from one of state dominance of African political and economic life to a pluralistic form that include the participation of civil society. In Uganda this is exemplified by the growing use of CSOs as implementing agencies for government programmes. This restructuring is also reflected at the legal and administrative level. In general the legal and administrative procedures, while discretionary, cumbersome, and to some exrtent inadequate to respond to the growth of CSOs, it is not restrictive. The exception is Uganda where a proposed

legislation, if implemented, has potential to tighten the legal environment with restrictive implications for civil society.

The relative thaw in state-civil society relations is however not reflected in CSO-Private sector relations. In general private sector support for CSOs is very minimal at best (Togo), and non-existent in the other countries. In part this can be explained by the fragility of the corporate sector, which itself is under developed in these four countries, as well as the dependence of CSOs on external donors, which might explain the reluctance of corporations to finance CSOs activities.

In sum, emerging from the CSI study in the four African countries is an environment that, while not overly hostile, is somewhat disabling for civil society. Given the crucial role of the environment for civil society health, the importance of action at this level becomes crucial to any attempt at building civil society[9]. The practical implications of this challenge are explored in section IV.

III(c). Civil Society in Africa: Values

The values dimension addresses the principles and values adhered to, practised by and promoted by civil society (CIVICUS, 2006). This dimension is particularly relevant in the light of a civil society debate in Africa in which civil society is expected to contribute to the promotion of positive, progressive and democratic values. Consequently, an assessment of this level is also a measure of the extent to which civil society lives out its promise in practice.

	GHANA	S. LEONE	TOGO	UGANDA	TOTAL
VALUES	**2**	**1.5**	**1.4**	**1.9**	**1,7**
– Democracy	2.5	2	0.5	1.5	1,625
– Transparency	2	1.3	1	1.7	1,5
– Tolerance	2	1	1.5	1.5	1,5
- Non-violence	1.5	2	1.5	2	1,75
- Gender equity	1.3	1.3	1	1.7	1,325
- Poverty eradication	3	2	2	3	2,5
-Environmental sustainability	2	1	2	2	1,75

The CSI study confirms the sphere of civil society to be one in which progressive values are promoted by CSOs in Africa. With a cumulative average of 1.7, the values dimensions represent a more than average, in fact the highest score for African countries. In the four Africa countries surveyed: Ghana, Sierra Leone, Togo and Uganda, civil society turns out positively as a contributor to positive values. If the relevance of civil society is limited to the extent to which it responds to pressing problems in the societies in which it is a part of, civil society in Africa can certainly be regarded as an important and significant actor

as it does respond satisfactorily to one of the major challenges in Africa, that of poverty alleviation. With an average of 2.5, with Uganda and Ghana scoring the maximum 3, civil society promotion of values related to poverty alleviation is firmly established.

This development can be explained in part by the fact that this is the traditional focus of CSOs in Africa. It is possible, however, to also see this high preponderance of the values of poverty reduction as an internalisation of the dominant values espoused by donors, who finance CSOs and their activities in Africa.

While civil society is good at promoting progressive values, the same cannot be said of the practice of the values, as increasingly concerns are being raised abut the extent to which civil society in Africa practices the very values it promotes. Indeed the CSI findings indicate that civil society in Africa reflects some of the negative and destructive values that undermine African development. These include the lack of internal democracy and transparency; instances of corruption to a gap between the rhetoric and practice of values of 'tolerance', non-violence and gender equity. The exclusivist and elitist tendencies reflected in the structure affects the image of CSOs as promoters of progressive values, as the findings from Togo---which resonates with the findings from Ghana, Uganda, Sierra Leone---indicates:

> CSOs are elitist (composed of the elite and intellectuals) organizations based in the capital city and maintaining regular work relations with the State Administration's technical services and development partners… Thus, social groups such as rural actors, poor people and minorities with no access to these elitist groups are not represented and do not participate in the leadership of these CSOs[10]

To be sure, these concerns do not define the totality of the discussions on CSOs and their values in Africa. In fact, despite these concerns, CSOs in Africa still emerge as the most trusted institutional actors—compared to the state and the private sector. Nonetheless, and as is discussed in detail in section four, for an institutional sector whose legitimacy rests on public perceptions and attitudes, civil society in Africa will have to address these concerns---even if they are perceptions.

III(d). Civil Society in Africa: Impact

The normative expectation in the African development discourse is that through its activities, civil society will contribute to the myriad of problems confronting African countries. These relates in part to the extent to which they respond to

meeting societal needs, influencing the nature of policy, and holding the other two institutional actors—the state and the private sector-- to account. In general two sets of views have tended to prevail in regard to civil society roles and relations with states in Africa. In the first view, civil society is conceptualized, essentially, as the realm of opposition to the state, and an antidote to the perennial problem of dictatorship in Africa. In this conception, collaboration with the state is an aberration and a sell out, ultimately undermining the *raison d'etre* of civil society [11] . The second view conceptualizes civil society's roles and relations to the state in collaborative terms. Specifically, civil society engages the state collaboratively to legitimize the public realm in order to establish a democratic culture, build state capacity for democratic governance, and partner with the state in service delivery. What roles have civil society played in Africa, and how has it engaged the state in the performance of these roles?

	GHANA	S. LEONE	TOGO	UGANDA	TOTAL
IMPACT	**2**	**1.6**	**0.8**	**2.3**	**1,7**
- Influencing public policy	2.3	1.3	0.3	2	1,5
- Holding state and private corporations accountable	1.2	1.5	0	1.5	1,1
- Responding to social interests	2	1.5	0.5	3	1,8
- Empowering citizens	2	1.8	1.8	2.2	1,95
- Meeting societal needs	2.3	2	1.3	2.7	2,1

The CSI results indicate an overall impact of 1.7, indicating that civil society in Africa makes modest contributions to society, including empowering citizens and meeting societal needs. The findings from Uganda and Ghana, both of whom have enjoyed relative long periods of consistent donor support, indicate a gradual scaling up of civil society to also include policy influence. Through donor induced macro level policy processes like the SAPRI and PRSP, CSOs have become integral parts of development policy frameworks and processes that hitherto were limited to state actors in these two countries. But participation in policy processes and discussions *per se* does not indicate impact as effective civil society participation in policy must rest on resource availability as well as expert knowledge of specific policy issues. Concretely this implies that civil society organisations must have the requisite financial resources, as well as the expertise and competence in the policy under discussion. Given the CSI findings of such a lack of capacity in these countries, it is little wonder the impact is modest. The results in Togo (0.3) and Sierra Leone (1.3) indicate that CSOs in these two countries hardly make any impact on policy, in part because of the instability in these two countries.

The weakest level of impact is at the level of holding the state and the private sector to account indicating that the liberal conception of civil society as a

bulwark to the state hardly finds support in Uganda, Ghana, Sierra Leone or Togo. To be sure in Ghana and Uganda in particular there are signs of some resistance to state policies, as with the water privatisation in Ghana, and the questioning of human rights abuses in Uganda. But compared to its service delivery roles, the extent to which civil society is willing and able to hold the state and the corporate sector to account is very limited, with civil society in Togo (0) making no contribution to this role. .

While civil society in Africa is weak in its engagement in policy, and the extent to which it engages the private sector, it plays major roles in service delivery and citizen empowerment. In deed in the context of states whose reach is limited throughout the country, and in other instances where the state has simply been too weak and unable to play its developmental roles. Even where the state and CSOs play the same roles, an interesting finding from the CSI public opinion surveys is that respondents see CSOs has being more effective than the state in helping the poor: Ghana 79%, SL 87% and Uganda 71%.

Overall, two major conclusions emerge, namely i) a civil society that increasingly provides much needed services to the poor, but plays limited roles in policy making, and ii) the extent of donor influence on the evolution of civil society and its roles, particularly in policy making. In the case of aid induced policy frameworks like the PRSPs, which mandate the participation of civil society in policy making, there is a visible civil society presence. On the other hand, in areas of policy advocacy where donor policies do not mandate, civil society actors in these countries hardly play any meaningful roles. The implications of this for the future role(s) of civil society are explored next.

IV. WHITHER CIVIL SOCIETY IN AFRICA? EMERGING CHALLENGES

These findings present a number challenges for civil society in Africa. These challenges, more so, relate to four dimensions: structure, environment, values and impact. These respectively relate to issues of sustainability, partnership, legitimacy and relevance.

IV(a). The Challenge of Sustainability

As the four countries indicate, and which resonates with similar studies, civil society in Africa remains weak and fragile. This weakness is characterised in part by a lack of financial resources, weak apex organisations, and a concentration of resources on a few CSOs predominantly located in the urban areas. This weakness is further exacerbated by the CSI findings that CSOs and their activities in Africa are wholly funded from external sources with few

domestic sources of financing. While the CSI findings do not indicate a cessation of donor funding to CSOs in Africa, a historical analysis does indicate that donor priorities and commitments *do* change. Indeed the suspension of aid to Togo by the European Union, and the debilitating effects it has had on Togolese CSOs, attests to this danger. Given this historical reality, continuous donor funding of CSOs in Africa cannot be assumed. Indeed already in countries, like Ghana, there is already a shift from project based funding where funds going directly to CSOs are now channelled through emerging processes like the Multi Donor Budget support (MDBS). Thus rather than resources being channelled directly through CSOs, they are now part of government programmes. A paradox thus emerges: At the same time that there is a gradual institutionalisation of CSOs and their activities in Africa, there is, or ought to be a somber realization that the sustenance of CSOs and their activities in Africa is not guaranteed.

The challenge inherent in this contradiction is at two levels, namely i) a diversification of funding, nurturing of local sources of funding, in particular developing links between civil society and the emerging private sector in Africa, as well as ii) negotiating with African states for statutory budgetary allocations for CSOs in ways that do not completely limit autonomous action by CSOs. The extent to which CSOs can be able to do this is directly based on strengthening of the capacity of the apex organisations to enable them negotiate for these statutory allocations for CSOs that does not compromise their autonomy as independent institutional actors in Africa.

IV(b). The challenge of an Enabling Environment

A major finding of the CSI exercise in Africa and elsewhere is the centrality of the context to the viability of civil society. The political context, in particular the nature of the political regime, is particularly important in Africa as Susan Dicklitch noted nearly a decade ago: *the parameters within which civil society and NGOs [in Africa] can operate are defined by the regime in power*[12]. Incidentally this is corroborated by findings elsewhere. For instance, in analyses of enabling conditions for CSOs, Bailer, Bodenstein and Heinrich ascribe primacy to a country's governance (i.e. effective and democratic institutions).[13]

As was noted, the CSI findings indicate that compared to two decades ago, the political context, and with it state-civil society relations, is improving. Yet the findings also indicate that this changing context and relations are mandated, in part, by external donors. Thus in the absence of pressure from external actors continuous progress is not guaranteed. Indeed there are signs of reversal where there is no donor pressure and a lack of civil society resistance. For instance, the non implementation of the Draft NGO policy in Ghana in the absence of

donor pressure; the (expected) introduction of new restrictive CSO policy in Uganda; the fragility and inconclusiveness of the political process in Togo, are all indications that progress in state-civil society rapprochement in Africa is not irreversible.

Thus while analytically the environment is external to civil society, and to some extent outside its control, paradoxically it is this level that has the greatest impact on the state of civil society[14]. The challenge inherent in this paradox, is for civil society in sub Saharan to develop the capacity to proactively engage the state to shape this environment and to protect it from shrinking. Concretely this means that while in the past, CSO legislation has often been introduced at the initiative of governments, for the future the Civil society in Africa will have to be proactive in advocating legislation that will facilitate its growth, and enhance its accountability. In addition, it will mean contributing to the institutionalisation of democratic governance, necessary for improved state-society relations, on the continent.

IV(c). The challenge of CS Legitimacy and Accountability

The CSI findings indicate concerns for CSOs in Africa to prove their legitimacy as independent, credible and locally embedded actors in society. Depending on the country, these concerns with legitimacy can be the result of the sole reliance on foreign funds, which leads to the perception of 'foreign' organizations; and an abuse of the NGO status by some organizations. To be sure, and as the CSI studies indicate, civil society enjoys more legitimacy in Africa compared to the other institutional actors—the state and the private sector. Yet in all the African countries surveyed and elsewhere-- the challenge of accountability remains the key challenge for civil society.[15]

Issues of civil society legitimacy are in general related to issues of values and accountability. Thus if civil society organisations in Africa have a legitimacy problem—and the CSI findings indicate that they do have---it is not so much the result of over reliance on external donors, as the major institutional actors in Africa—the state and the private sector—all depend on donors for their activities. Rather legitimacy is being undermined by the corrupt tendencies of the leaders of some CSOs, lack of self-regulation, failure to adhere to an explicit code of ethics, and most important the lack of embeddedness in society characterised by a rural-urban divide and a preponderance of elitist organisational behaviour.

The challenge inherent in this is for CSOs to put their house in order as criticism of legitimacy and accountability may serve as a rationalization for governmental

intervention. Such house keeping, more so, requires actions at different levels including:

- The development of self-regulatory mechanisms, as an important step in the process of developing their relations with the state, and establishing legitimacy and accountability. The Ugandan Civil Society Quality Assurance Certification Mechanism is a welcome development in this respect. But it is only a first step. The real challenge is to actuall*y implement* it, and if successful, its principles (good practices) appropriated by CSOs in other African countries.
- Addressing Power Asymmetries through the development of horizontal linkages within civil society formed across the rural-urban divide, and the rural area incorporated more visibly in CSO activities at the national level.
- Establishing CSO legitimacy as organizations with roots, identity and impact through their embeddedness--- to be achieved in the context of proactive linkages with communities---. in the societies within which they operate

IV(d). The Challenge of Relevance

The final challenge emerging from the CSI studies relates to issues of CSO relevance. As the findings indicate, civil society has responded significantly to one of the major problems of Africa: poverty alleviation, even if this role can and ought to be improved. What remains is a scaling up of CSO activity to address the other central challenge of Africa: democratic governance. This puts a role for civil society that moves from poverty alleviation and service delivery to issues of policy making. Indeed given the centrality of issues of governance to the resolution of Africa's problems, until civil society is able to develop the capacity to form and influence the public policy environment, their long term relevance for the continent will be in doubt. Incidentally this is one area in which the CSI findings indicate civil society is weak in Africa.

The challenge of CSO involvement in policy should also involve a scaling up of civil society activity beyond the nation state to issues of continental governance. This is because of growing indication that regional integration may potentially hold out the most important opportunity for improving political accountability across the continent, and in fact that some of the internal political contradictions — especially within some of the smaller landlocked countries within Africa — will only be resolved when these nations become integral parts of larger entities.[16] The need for CSO policy activity at the continental level is further strengthened by the increasing importance and use of regional institutions, in particular the African Union and NEPAD, as instruments to establish a culture of democratic governance on the continent, and the realisation that the

democratic governance aspirations of the AU and NEPAD could easily stall without the watchdog role of civil society[17]. Thus while the CSI did not directly address CSO involvement in continental policy processes, given the growing influence of the continental level as a major arena for governance, continuous relevance of CSOs in Africa requires a focus on this level. A focus on the continental level presents challenges to CSOs at two levels, namely i) engaging in national level continentally inspired policy processes like the African Peer Review Mechanism of NEPAD that seeks to democratize governance in individual Africa states; and ii) creating horizontal linkages within civil society across national boundaries in Africa to engage in policy structures like the African Union's ECOSOCC and the Pan African Parliament (PAP), that seek to democratize the African public sphere.

How civil society responds to this challenge becomes critical for its ability to maintain relevance in Africa, as well as securing a stable political and economic environment conducive to its development. The practical operational implications relates to the need to strengthen horizontal civil society linkages across national boundaries in Africa, as well as a familiarization with the political development at the political levels, familiarization and engagement with the institutions of regional governance, in particular the structures of the AU and NEPAD [18].

V. CONCLUSION

Overall, the evidence indicates that civil society has (re)emerged as a significant autonomous space and institutional actor in Africa, engaged in a web of crosscutting relations, and contributing in varying ways to the continent's development. To be sure, Africa is diverse with varying political and socio economic contexts. This diversity has since accentuated and should be reflected in the understanding of, and strategies for civil society development in Africa. Yet, despite the varying contexts, the overall state of civil society in Africa that emerges is a civil society that shows increasing visibility and relevance. However, like the overall African political and socio economic context in which they exist and are part of, civil society remains fragile, and its continuous development must be constantly nurtured and facilitated. Its roles, more so are concentrated on service delivery, with very little involvement in policy making.

The future of civil society in Africa will thus depend on two distinct but interconnected processes, namely i) improvements in the *external* environment in which it operates---in particular the political context ---and ii) second, and most important, the extent to which civil society in Africa *itself* manages the

internal challenges facing it. This challenge is aptly captured by the concluding questions posed by the Ugandan study:

> Will it [civil society] confine itself to a somewhat docile role, focusing on service delivery and sub-contracting from government? Or will it further develop its capacity to question the socio-political make-up, striving to augment its autonomy, its sense of independent identity, its cohesion and its local ownership?[19]

Given the importance of civil society to the future of the continent, these are questions that ought to be answered *not* by civil society alone. To the contrary these questions can and ought to be answered also by all with a stake and interest in the development of civil society, but the continent in general. Indeed, an adequate response might well enable civil society in Africa emerge as a critical arena whose institutional actors and organisations make significant contributions to the search for a new beginning for Africa--- a search dubbed the "the African renaissance" and reflected by a desire for a continent characterised by democracy, peace and stability, sustainable development and ultimately a better life for all Africans.

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1 See Gyimah-Boadi, E. (1996) "Civil Society in Africa", in: *Journal of Democracy* 7, 118-32; Bratton 1994; Bratton M (1989a) "Beyond the State: Civil Society and Associational Life in Africa," In: *World Politics,* Vol. 41, No.3.; Hutchful, Eboe (1995-1996): "The Civil Society Debate in Africa", in: *International Journal* 51, 54-77; Harbeson J et al (eds) (1994) *Civil Society and the State in Africa,* Boulder: Lynne Rienner; Comaroff J L and Comaroff J (eds.) (1999) *Civil Society and the Political Imagination in Africa: Critical Perspectives*, The Chicago University Press, Chicago and London; Lewis D (2002) "Civil Society in African Contexts: Reflections on the Usefulness of a Concept," *Development and Change* (33)4: Blackwell Publishers.

2 See Opoku-Mensah, P (*2007)* "The State of Civil Society in Sub Saharan Africa" In: Heinrich F V and Fioramonti L (2007) *CIVICUS Global Survey of the State of Civil Society, Volume 2: Comparative Perspectives*, Kumarian Press. (pp 71-86)

3 Lipton M (1989) "The Place of Agricultural Research in the Development of Sub-Saharan Africa", In: *World Development,* 15 (supp) (10), (Page 352).

4 For a detailed discussion of these debates see Fatton, Robert Jr. (1995): "Africa in the Age of Democratization: The Civic Limitations of Civil Society", in: *African Studies*

Review 38, 67-99; Allen C (1997) "Who Needs Civil Society?," In: *Review of African Political Economy*, No. 73: 329-337, ROAPE Publications Ltd; Kasfir, Nelson (1998): "The Conventional Notion of Civil Society: A Critique", in: *The Journal of Commonwealth and Comparative Politics* 36, 2, 1-20.; Gyimah-Boadi 1996; Bratton 1994; Hutchful 1995-1996; Lewis, (ibid); Comaroff J L and Comaroff J (ibid); Harbeson, (ibid); Pillay D (1998): "Globalisation, Marginalisation and the Retreat of the State in Africa: The Role of Civil Society in the Pursuit of Democratic Governance, Socio-economic Development and Regional Integration", *ISTR Report*, July .

5 The CSI findings regarding the conceptual acceptance of civil society in SSA largely corroborates the findings of the CSI globally, as reported by Carmen Malena in this volume. See Carmen Malena (this volume) "Does Civil Society Exist?

6 See Bratton M (1989a) "Beyond the State: Civil Society and Associational Life in Africa," In: *World Politics,* Vol. 41, No.3.; Bratton M (1989b) "The Politics of Government-NGO Relations in Africa," In: *World Development*, Vol. 17, No.4 (p569-587).

7 See Habib A and Opoku-Mensah P (2003) "Mobilising Across Africa: Civil Society and Democratisation," *South African Yearbook of International Affairs 2002/03*). South Africa Institute of International Affairs.

8 Sierra Leone Country report, page 9

9 Heinrich V F, Mati J M and L David Brown (2007) The Varying Contexts for Civil Society Accountability: Insights from a Global Analysis of Country-level Assessments

10 Togolese report, p31.

11 In this view, and as Allen argues, "civil society is <u>necessarily</u> opposed to the state, not simply in the sense of confronting authoritarian regimes, but also - and primarily - in the sense of confronting and constraining the scope and action of the state" (Allen, 1997: 335. See also Ndegwa S N (1996) *The Two Faces of Civil Society: NGOs and Politics in Africa*, Kumarian Press; Dicklitch S (1998): *The Elusive Promise of NGOs in Africa: Lessons from Uganda*, St. Martin's Press; Habib Opoku-Mensah (ibid).

12 Dicklitch 1998:169.

[13]Heinrich F V and Fioramonti L (2007) *CIVICUS Global Survey of the State of Civil Society, Volume 2: Comparative Perspectives*, Kumarian Press. Similarly in their discussion on accountability, Heinrich, Mati and Brown (this volume) confirm that political contexts--particularly good governance and state attitudes towards civil society--are crucial in determining civil society's options.

14 See Bailer, Bodenstein and Heinrich as well as Heinrich, Mati and Brown---both in Heinrich F V and Fioramonti L (2007) *CIVICUS Global Survey of the State of Civil Society, Volume 2: Comparative Perspectives*, Kumarian Press.

15 Heinrich, Mati and Brown, ibid.

16 Githongo J (2006) "Promoting a Culture of Accountability in Africa: What Can TrustAfrica Do?" Keynote speech at TrustAfrica Launch, Dakar, Senegal, 6th June

17 Landsberg, C and McKay S (2006) *Engaging the New PanAfricanism: Strategies for Civil Society,* Centre for Policy Studies, Johannesburg, South Africa

18 See Opoku-Mensah, P (2007) "Civil Society and African Integration: A Conference Report," in *News from NAI*, Nordic Africa Institute, Jan 2007; and Landsberg and McKay (ibid).

19 Uganda CSI Report, page: 85.

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